

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS - AUSTIN DIVISION**

JEREMY STORY,
Plaintiff,

v.

HAFEDH AZAIEZ, et al.
Defendants.

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Civil Action No. 1:22-cv-448-RP

PLAINTIFF’S SECOND MOTION FOR LEAVE TO FILE SECOND SUPPLEMENT

Plaintiff Jeremy Story herein moves for leave to file the *Second Supplement to Third Amended Complaint* (Exhibit 1, “Supplement”) pursuant to Federal Rule of Civil Procedure 15(d).

This request is based on a police report that has become public in the last two weeks that bears directly on Plaintiff’s claims in the present case, showing that the defendants’ behavior is not one-off behavior that is excused by claims to various immunities, but is part of a pattern which militates against defendants’ claims to immunities.

I. FACTUAL BACKGROUND

1. On April 16, 2024, Plaintiff filed a Motion for Leave to File Supplement (“First Motion for Leave”) proposing to include evidence of a substantial report outlining the improper behavior of RRISD police and to provide further evidence of RRISD’s police practices. The report in question is common knowledge, though at the time of filing, the report was not public. The Court has not ruled on Plaintiff’s First Motion for Leave. However, since the filing of the First Motion for Leave, the report itself and other evidence involving Defendants’ culpability regarding the report have been made public.

2. Herein, Plaintiff seeks leave to file the report (“Report”) that was released on May 14, 2024, as well as corresponding posts by Defendants and other reports regarding the Report. *See* Exhibit 1. Plaintiff acquired the Report through RRISD open records requests. *See* Exhibit 8 & 9.

3. The Report is probative and provides an explanation of why RRISDPD Chief Weiner was placed on administrative leave. Weiner presented the Report to the RRISD Board of Trustees on April 30, 2024. In the Report, Defendant Azaiez and other administrators are outed as covering up the sexual assault of a five-year-old student.

4. The Report outlines the Board's custom and practice of interfering and manipulating police investigations.¹ *See* Exhibit 2.

5. Chief Weiner wrote a letter detailing his position on the district's failings, but according to Danielle Weston's Facebook post, Defendant Amber Feller Landrum, President of the RRISD Board, did not do anything with the letter for sixteen days before it was presented. *See* Exhibit 3.

6. The board members together doubled down and released a public statement attempting to cover up and confuse the facts revealed in the Report. *See* Exhibit 4. This post is probative and material toward Defendants' ongoing intent to continue the same pattern of squashing free speech and protecting their own reputation above all other considerations and at a very real cost to others.

7. The Culture and Climate Report requested by Chief Weiner reveals a Board of Trustees that is characterized as "toxic, very divided, a lot of tension, chaotic, lack of leadership, full of favoritism, no organization, top down, intimidating, disorganized, no two-way communication, a lack of trust, unstable, hostile, full of drama and mentally draining." *See* Exhibit 5. This Report shows that there is an "'in crowd' that is given special attention and opportunities not afforded to all". This supports Plaintiff's allegations that this incident is not an outlier, but a symptom of an ongoing custom and practice.

¹ *See also* <https://www.kxan.com/investigations/state-agency-confirms-investigation-of-round-rock-isd-police-leadership/> (Last accessed, May 22, 2024) - According to this report, at the time of the parking lot incident during the election, Weiner and White did not have proper appointment to RRISD as per state requirements. Further, the report states "KXAN initially asked the district if it was investigating its police department in October 2023. The district then denied an investigation was happening, but the investigative report obtained by KXAN via open records request shows both were already underway."

8. Importantly, when Chief Weiner was placed on administrative leave, Lauren Griffith, who wrote the false affidavit against Plaintiff, was made interim Police Chief and RRISD's statement on her 'promotion' reveals that she was also interim chief after the resignation of Chief Yarborough, who held the position when Plaintiff was assaulted by officers. *See* Exhibit 6.²

9. Further, Plaintiff herein includes a letter from Williamson County Judge's Office, Emergency Services Department, the Technology Services Department, and the Williamson County Sheriff's Office expressing their concern with the choice of RRISD to end their relationship with the Sheriff's department in favor of having their own internal dispatching service. *See* Exhibit 7. The events described in the report correspond to the letter from Williamson County.

10. Plaintiff respectfully requests that this Court grant him leave to file the attached declaration and exhibits as a second Supplement to the Third Amended Complaint.

11. Plaintiff believes that the new evidence is material and relevant to the claims raised in the Complaint, and responsive to Defendant's various motions to dismiss, as the evidence shows a pattern of activity which removes any doubt as to whether the various defendants have a pattern of behavior that eliminates their immunity defense.

12. Plaintiff has acted with due diligence in obtaining the new evidence and has not unduly delayed the filing of the Supplemental Pleading.

13. This report was not available or public knowledge until the recent board meeting exposing its existence and it was only released by the Attorney General in the last week. These materials were not available during the time of the initial filings of this case.

² <https://cbsaustin.com/news/local/round-rock-isd-announces-new-interim-police-chief-lauren-griffith> ("As of Tuesday, May 14, the Round Rock ISD Police Department is now under the leadership of Interim Chief Lauren Griffith. She served in the role two years ago for our district and has served the students and staff of Round Rock ISD since 2020, becoming a sergeant in 2021. We welcome Interim Chief Griffith and look forward to a smooth continuation of service.") (Last accessed, May 22, 2024.)

14. Consistent with the purpose of Rule 15(d), the materials regarding these events were made public after Plaintiff's Third Amended Complaint. Granting this motion for leave to allow the exhibits to be admitted promotes the prompt, efficient, and full resolution of all claims at issue here regarding Defendants' customs in unequal treatment of individuals, TOMA violations, RRISD's choices of choosing internal investigation methods, and intent to squash free speech. The supplement will not prejudice Defendants, all of the exhibits are available to the public and there is no undue surprise in admitting the exhibits in this case. Failing to consider these new materials would deprive the court of a full understanding of the issues. This supplemental disclosure allows the parties to comply with their continued duty to disclose relevant information as the case progresses. Denying leave would undermine the purpose of full disclosure, in which the Defendants clearly have no interest.

PRAYER

Plaintiff respectfully requests that this Court grant leave to file the attached proposed *Second Supplement to the Third Amended Complaint* and consider the new evidence contained therein in support of their claims against Defendants, which includes:

Exhibit 1: Declaration of Jeremy Story (authenticating exhibits and narrative on events)
 Exhibit 2: Letter from Chief Weiner (regarding Azaiez cover up and RRISD interference)
 Exhibit 3: RRISD Trustee Weston Statement (RRISD Board president sat on letter for 16 days)
 Exhibit 4: Defendant RRISD Board Member Statements (demonstrating cover up)
 Exhibit 5: Culture and Climate Report (detailing RRISD Board pattern of behavior)
 Exhibit 6: RRISD Statement (on Lauren Griffith's promotion)
 Exhibit 7: Letters from Williamson County to Chief Weiner and Superintendent Azaiez
 Exhibit 8: Email showing open records request
 Exhibit 9: AG Opinion on Letter from Chief Weiner

Respectfully submitted,

/s/ Warren V. Norred

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CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2024, a true and correct copy of the foregoing *Motion for Leave to File Second Supplemental Pleading to Plaintiffs' Third Amended Complaint* was served via the court's electronic filing system on all parties seeking service.

/s/Warren V. Norred

Warren V. Norred

CERTIFICATE OF CONFERENCE

I hereby certify that on May 23, 2024, I conferred with Adam Rothery and Kathryn E. Long, counsel for Defendants, who expressed opposition to the remedy requested.

/s/Warren V. Norred

Warren V. Norred